REMARKS

Claims 1-37 are in the application. Claims 1, 3-5, 10-12, 14-17, 20, 21, 26-28, and 30-35 were previously presented; and claims 2, 6-9, 13, 18,19, 22-25, 29, 36, and 37 remain unchanged from the original versions thereof. Claims 1, 17, and 33 are the independent claims herein.

No new matter has been added to the application as a result of the presently presented Response.

Reconsideration and further examination are respectfully requested.

Applicant and Applicant's attorney representatives wish to acknowledge with appreciation the telephone interview granted by the Examiner regarding the pending Office Action. Examiner Thu Thao Haven was kind enough to discuss the cited and relied upon Walker reference and the pending claims, as indicated in the subsequent Interview Summary. In particular, the Examiner requested that Applicant identify that portion of the specification that supports the claimed "uninitiated by said customer" aspects of the pending claims.

In response to the request to identify corresponding support in the specification, Applicant directs the Office's attention to paragraph [0015] wherein Applicant discloses,

"The above steps 208-214 are transparent to the customer and the activities described therein take place during the check out process." (emphasis added)

The specification also discloses that steps 208-214 of a credit pre-approval process implemented by the credit services tool of the claimed invention relate to a system performing a credit worthiness check to determine a credit pre-approval for a customer. As disclosed in paragraphs [0011] – [0013], the steps of transmitting customer data to a server or local server (step 208), not sending customer data to a credit information server (step 210), sending customer data to a credit information server (step 212), and determining whether the customer is pre-approved are all

performed by, for example, a member sever 110 and/or data storage device 108 via member server 110.

Furthermore, it is noted that the claimed credit pre-approval process aspects recited in the claims are disclosed in the specification in the context of a checkout process wherein a credit pre-approval process is performed by a system. In an instance the customer is pre-approved for credit, an invitation to accept the credit is then offered or presented to the customer. There is no disclosure of the customer initiating a request or application for credit. The invitation is extended to the customer. Consequently, there is no disclosure of an acceptance and/or no denial of a request for credit or a credit application submitted by the customer. Instead, the specification clearly provides disclosure of a valid or invalid credit pre-approval determination (step 214) performed by a system implementing the disclosed methods that is transparent to the customer. Paragraphs [0011] – [0018], at least, may further be referenced regarding supporting disclosure of the claimed method(s).

The specification discloses the pre-approval offer is presented to the customer (step 216) in response to the system performing the credit worthiness pre-approval process (steps 208-214). Furthermore, the specification (paragraphs [0011] – [0016], at least) clearly supports the recited, "performing a credit worthiness check to determine a credit pre-approval of said customer, said performing is done using a result of said searching and without knowledge of and uninitiated by said customer."

Claim Rejections – 35 USC § 103(a)

Claims 1-37 are rejected as being unpatentable over Roach et al., U.S. Patent No. 5,434,394 (hereinafter, Roach) and in view of Walker et al., U.S. Patent No. 6,336,104 (hereinafter, Walker). This rejection is respectfully traversed.

The Office Action maintains the previous rejections under 35 USC 103(a) in the current Office Action. Additionally, the Office Action states that Walker discloses performing a credit check (i.e., a credit pre-approval) without the knowledge of and uninitiated by the customer. However, Walker does not disclose performing a credit

pre-approval without the knowledge of and uninitiated by the customer. Instead, Walker discloses authorizing the purchase price according to the terms of an installment plan. A "step 362 is also known as 'authorizing the charge', and typically comprises an evaluation of whether the credit card account meets approval criteria of the credit card issuer." (See Walker, col. 9, ln. 66 – col. 10, ln. 2)

According to Walker, a credit pre-approval of the customer to determine the credit worthiness of the customer is not performed. Instead, Walker discloses checking the customer's pre-existing credit card/account to determine if the pre-existing credit card/account is authorized for payment of the purchase price. As Walker discloses, the pre-existing credit card/account may not be authorized if the account is not in good standing, the purchase price would exceed the balance limit of the credit card/account, the credit card has been reported lost/stolen, and the account is closed. Thus, it is clear that Walker does not disclose performing a credit pre-approval of the customer to determine the credit worthiness of the customer for regarding an invitation to open a credit account.

Applicant's arguments of record are incorporated herein.

Regarding claim 1, the Office Action states that Roach discloses the claimed invention except for: if desired by the customer, executing a charge purchase during the check out process at the point of sale system. The Office Action cites and relies upon Walker to disclose executing a charge purchase during the checkout process.

Applicant reiterates that the pending claims clearly relate to a method that pre-screens a customer for a credit charge account by performing a credit worthiness check. Claim 1 clearly and unambiguously states that the check of the customer's credit worthiness is performed without the customer's knowledge and, further, that the customer does not initiate the credit check.

Applicant respectfully submits that the cited and relied upon Roach fails to disclose or suggest, alone or in combination with the cited and relied upon Walker, performing a credit worthiness check to determine a credit pre-approval of the

customer without knowledge of and uninitiated by the customer, as claimed by Applicant.

Referring to Roach, it is respectfully submitted that Roach discloses a system for processing sale transactions at a combined point of sale and warehouse facility. The system and method disclosed in Roach require a customer to be an authorized member of the point of sale system to shop at the point of sale, either a registered member or a guest (i.e., visitor) member. (See Roach, FIG. 3, steps 302-318). The required membership card is referenced extensively throughout Roach. Roach, in limited instances, also discusses a credit card or credit account. Thus, care should be exercised in reading Roach to avoid confusing a reference to the "member" card with a reference to the "credit" card.

For example, the Office Action cites and relies upon Roach (col. 8, ln. 1-19) for disclosing the claimed providing the customer with an invitation to open a charge account. However, a careful reading of Roach reveals that the relied upon Roach citation discusses a member card 66 (See FIG. 2) and an associated member account, not a credit account. Roach discloses soliciting a member card 66 from the customer at the relied upon citation. Roach fails to disclose providing an invitation for a credit account therein.

Furthermore, in the instance Roach does disclose opening a credit account for the customer, Roach clearly discloses that the customer applies for the credit account by submitting a credit account application. In conjunction with FIG. 7b, Roach discloses that upon entering the member name or member number in step 758 the system proceeds to step 760 where an application for a store charge account is displayed on a display screen. "The application for a store charge screen requires the operator to supply the system with additional information concerning the applicant, including the member's driver license number, social security card, date of birth, whether the member wishes credit insurance and his credit limit." (See Roach, col. 20, ln. 19-27) The member applies for the credit account and in doing so submits additional personal information other than the already provided member name or member number. Thus, it

is clear that Roach requires a member to knowingly apply for the store credit account (i.e., applicant), and supply additional information other than the customer name or customer number.

Applicant notes that the claimed method does not require additional information to perform the credit worthiness check, as does Roach. Claim 1 states that the performing of the credit check is done using the customer data received at the point of sale. The credit check is done using simple customer data provided by the customer in conjunction with a product purchase or checkout process.

Accordingly, the customer in Roach knowingly applies for the credit account and initiates the credit application process (e.g., credit worthiness check) by submitting the credit application. Therefore, Roach fails to disclose or suggest performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer, as claimed by Applicant. At no point in the disclosure thereof does Roach disclose or suggest performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer.

Also, as discussed in detail hereinabove, Walker discloses executing a credit authorization for a purchase regarding a pre-existing credit card/account, not a pre-approval of credit worthiness to open an account. Thus, the cited and relied upon combination of Roach and Walker fails to disclose or suggest the claimed performing of a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that the cited and relied upon Roach and Walker combination does not render claim 1 obvious under 35 USC 103(a). Again, independent claims 17 and 33 are, in relevant

part, similar to claim 1. The reconsideration and withdrawal of the rejection of claims 1, 17, and 33 are requested.

Applicant respectfully submits that dependent claims 2-16, 18-32, and 34-37 are patentable for at least depending on a patentable base claim.
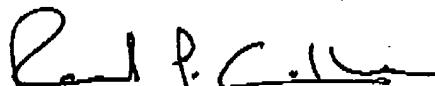
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CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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